REMARKS

Following entry of this amendment, claims 1-20, 22-36, and 38 will be pending in this application. Claims 21 and 37 are canceled without prejudice, and claims 12, 20, 22, 27-29, 36, and 38 are currently amended. Support for the amendments can be found throughout the specification and claims as filed. No new matter has been added.

Response to Restriction Requirement

In response to the restriction requirement made in the action mailed June 25, 2009, Applicants elect for examination Group II (claims 1-19), which the action indicates is "drawn to a bispecific antibody that substitutes for the effect of a functional protein, in particular comprising an anti-AR2 chain comprising SEQ ID NOS: 9 and 10, and to compositions comprising said antibody." Claims 20 and 22 have been amended to depend solely from claim 2 and are therefore no longer improper. Applicants request that these claims be rejoined with Group II. Additionally, Applicants elect the species of SEQ ID NOs:1 and 2. Claims 1-10, 12-20, and 22 read on the elected species. The election is made with traverse.

Applicants traverse the restriction requirement on the ground that the unity of invention analysis was performed improperly. Unity of invention exists if there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. MPEP 1850. The independent claims are examined first for unity of invention. Ibid. At least claims 1, 2, and 23 are independent in this application. The Office action alleges that claims 1-19 lack a special technical feature because "the teachings of Ledbetter et al. [U.S. Pat. No. 6,010,902] anticipate at least the instant claim 1." Assuming that this were true,[1] there would be sufficient evidence for a finding of lack of unity between independent claims 1 and 2. However, it would not be sufficient evidence to find lack of unity among claims 2-19 based on the sets of sequences recited in claims 10 and 11. The Office has not alleged that independent claim 2, from which claims 3-19 depend, is anticipated. To show a

[1] Applicants do not agree with the Office's characterization of claim 1. However, Applicants will reserve comments for a response to a substantive rejection, if such a rejection is ever made.

lack of unity among claims 2-19, the Office would need to at least show that claim 2 does not contribute a special technical feature over the prior art. No such showing has been made or alleged here, and the restriction requirement among claims 2-19 based on alleged lack of unity of invention is therefore improper. Applicants request withdrawal of the restriction requirement.

If the Office were to allege that claim 2 is anticipated, that still would not be sufficient to require restriction among Groups I to X as identified based on individual sets of H and L chain sequences recited in claims 10 and 11. "If . . . an independent claim does not avoid the prior art, then the question whether there is still an inventive link between all the claims dependent on that claim needs to be carefully considered." MPEP 1850. Applicants submit that there is a special technical feature among one or more of:

(i) a bispecific antibody that has an activity of functionally substituting for a ligand of a heteromolecule-comprising receptor (claims 2-20 and 22);

(ii) a bispecific antibody that has an activity of functionally substituting for a ligand of a dimeric heteromolecule-comprising receptor (claims 3-11);

(iii) a bispecific antibody that has an activity of functionally substituting for a ligand of a heteromolecule-comprising cytokine receptor (claims 4-11);

(iv) a bispecific antibody that has an activity of functionally substituting for a ligand of an interferon receptor (claims 5-11);

(v) a bispecific antibody that has an activity of functionally substituting for a ligand of a type I interferon receptor (claims 6-11);

(vi) a bispecific antibody that has an activity of functionally substituting for a ligand of a type I interferon receptor that comprises an AR1 chain and an AR2 chain (claims 7-11);

(vii) a bispecific antibody that has an activity of functionally substituting for an interferon ligand of a type I interferon receptor that comprises an AR1 chain and an AR2 chain, wherein the antibody (claims 8-11);

(viii) a bispecific antibody that has an activity of functionally substituting for an interferon ligand of a type I interferon receptor that comprises an AR1 chain and an AR2 chain,

wherein the antibody comprises the variable region of an anti-AR1 chain antibody and the variable region of an anti-AR2 chain antibody (claims 9-11);

(ix) a bispecific antibody that has an activity of functionally substituting for an interferon ligand of a type I interferon receptor that comprises an AR1 chain and an AR2 chain, wherein the antibody comprises the variable region of an anti-AR1 chain antibody and the variable region of an anti-AR2 chain antibody, wherein the variable region of the anti-AR1 chain antibody has an H chain variable region amino acid sequence as described in SEQ ID NO: 1 and an L chain variable region amino acid sequence as described in SEQ ID NO: 2 (claim 10); and

(x) a bispecific antibody that has an activity of functionally substituting for an interferon ligand of a type I interferon receptor that comprises an AR1 chain and an AR2 chain, wherein the antibody comprises the variable region of an anti-AR1 chain antibody and the variable region of an anti-AR2 chain antibody, wherein the variable region of the anti-AR1 chain antibody has an H chain variable region amino acid sequence as described in SEQ ID NO: 3 and an L chain variable region amino acid sequence as described in SEQ ID NO: 4 (claim 11).

Applicants therefore request that all of claims 2-20 and 22 be examined together. If the Office wishes to require restriction within a group of dependent claims above, it must show that the group of claims lacks a special technical feature.

Applicants also traverse the species election requirement, insofar as it is based on the same improper unity of invention analysis as the restriction requirement, as discussed above.

Applicants do not at this time contest the requirement for restriction among Groups XI to XIX. However, Applicants reserve the right to traverse the requirement in one or more continuing applications.

This response is being submitted with a Petition for Extension of Time and the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0161US1.

Respectfully submitted,

Date: September 25, 2009

/RSMcQuade/
Ryan S. McQuade, Ph.D.
Reg. No. 61,358

Fish & Richardson P.C.
Customer No. 26161
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22252286.doc